

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

**SHAWN STEWART, BRIAN DAMANN, &  
GRANT OILAR, individually and on behalf of  
all others similarly situated**

**Plaintiffs,**

**v.**

**USA TANK SALES AND ERECTION  
COMPANY, INC.,**

**Defendant.**

**Case No. 3:12-CV-05136-DGK**

**UNOPPOSED MOTION TO APPROVE STIPULATION  
AND ORDER OF DISMISSAL WITH PREJUDICE**

**COME NOW** Plaintiffs, Shawn Stewart, Brian Damann, and Grant Oilar, and for their Unopposed Motion to Approve Stipulation and Order of Dismissal with Prejudice, state to the Court as follows:

1. The Parties have agreed to settle this matter on an individual basis, resulting in a pro forma Stipulation and Order of Dismissal with Prejudice [D.E. 50].
2. The Parties' Settlement Agreement is attached hereto as Exhibit 1.
3. The Parties' negotiated the Settlement Agreement in the course of *The PrivateBank and Trust Company v. Global Storage Solutions, LLC et al*, Case No. 1:15-cv-01600 (Northern District of Illinois), in which a court-appointed Receiver--Tank Operations, LLC—took control over all assets and property of Defendant USA Tank Sales and Erection Company, Inc., resulting in a stay of this matter. [D.E. 49]. The Court in Case No. 1:15-cv-01600 heard lengthy testimony regarding the solvency and lack thereof of USA Tank Sales.
4. On May 19, 2015, after an in-person hearing on the Settlement Agreement, the Court in Case No. 1:15-cv-01600 approved the instant Settlement Agreement as a fair and

reasonable compromise of the parties' bona fide wage and hour disputes, and results in a valid, enforceable release of Plaintiffs' claims under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. See Exhibit 2.

**WHEREFORE**, Plaintiffs request that this Court enter its Order approving the Stipulation and Order of Dismissal with Prejudice [D.E. 50] subject to any modifications or conditions the Court deems appropriate.

Respectfully submitted, this 28th day of  
May, 2015

/ Jason T. Brown, Esq.  
Jason T. Brown, Esq.  
JTB Law Group, LLC  
155 2nd Street, Suite 4  
Jersey City, NJ 07302  
201-630-0000  
Fax: 855-582-5297  
jtb@jtblawgroup.com

Anthony M. Pezzani, Esq.  
Timothy A. Engelmeyer, Esq.  
Engelmeyer & Pezzani, LLC  
13321 N. Outer Forty Road, Suite 300  
Chesterfield, MO 63017  
636-532-9933  
Fax: 314-863-7793  
tony@epfirm.com  
tim@epfirm.com

Counsel for Plaintiffs